

### **REMARKS/ARGUMENTS**

Claims 1, 3-5 and 8-30 are pending in this application. In this response, independent claims 1 and 16 are amended to clarify their recitation of applicant's claimed process. The claim amendments are entirely supported by the application as originally filed and there is, thus, no issue of new matter.

Claims 1, 3-5 and 8-30 are rejected as allegedly non-enabling and/or non-descriptive under 35 U.S.C. 112, first paragraph. The Examiner alleges, *inter alia*, on p. 3 of the Office Action, that the specification does not reasonably provide enablement for a process of inhibiting invertase in a plant by transforming the plant with a sequence having 80% sequence identity to an apoplastic inhibitor coding sequence expressed during seed development in flowers with young ovules. In response to the rejection under §112, applicant has amended both independent claims (nos. 1 and 16) presently pending in the application to delete therefrom the recitation that the nucleotide sequence expressed during seed development is a nucleotide sequence having a sequence identity of 80% or more to the nucleotide sequence coding the endogenous apoplastic invertase inhibitor protein. Endogenous apoplastic invertase inhibitors are known in the art and the claims have been narrowed such that broad variations thereof are no longer included. These amendments are believed to overcome the rejection of applicant's claims under 35 U.S.C. §112, first paragraph, which should therefore be withdrawn.

Still further, claims 1, 3-5 and 8-30 are rejected on p. 5 of the Office Action under 35 U.S.C. §112 as being allegedly indefinite. According to the Examiner, "the term '80% sequence identity' in claim 1 and 16 is a relative term that renders the claim[s] indefinite."

In response, applicant submits that as noted above the recitation concerning "80% sequence identity" has been deleted from both of the independent claims pending in this application. These amendments are believed to overcome the ground of rejection under 35 U.S.C. §112, second paragraph, which should therefore also be withdrawn.

### **Summary**

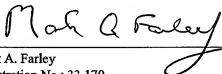
The claim amendments and arguments presented above are believed to overcome all of the presently pending grounds of rejection of applicant's claims. If the Examiner does not agree, however, and believes that a further interview would materially advance the progress of the

application, he is respectfully invited to telephone applicant's representative at the number below so that an interview may be scheduled.

THIS CORRESPONDENCE IS BEING  
SUBMITTED ELECTRONICALLY  
THROUGH THE PATENT AND  
TRADEMARK OFFICE EFS  
FILING SYSTEM ON  
June 25, 2006

MAF:lm

Respectfully submitted,



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